

Civil Writ Petition No.59 of 2002

United India Insurance Co.Ltd.,
Branch Office: Kashipur, District
Udham Singh Nagar and another.

.....

Petitioners

Versus

Mukesh Kumar Mehrotra and
Three others.

.....

Respondents

.....

Hon'ble P.C. Verma,J.

Heard Sri B.C. Pandey, learned counsel for the petitioners as well as Sri Pradeep Lohani, learned counsel for the respondents Nos. 1 & 2.

The petitioner-United India Insurance Company in this writ petition has impugned the judgment and order dated 30.11.2000 passed by Rent Control & Eviction Officer, Kashipur, District-Udham Singh Nagar in Case No. 6 of 1999 and thereafter confirmed by the appellate authority i.e. the Additional District Judge, Kashipur, District-Udham Singh Nagar on 6.11.2001 in Rent Control Appeal No. 21 of 2000, contained in Annexure Nos. 3 & 5 respectively to this writ petition.

A short question raised by the petitioner-United India Insurance Company in this writ petition is to be determined as to whether the U.P. Act No. XIII of 1972 was applicable on the said building and whether the authorities were competent to pass an order under the said Act?

The building was taken on rent by agreement. There is no allotment order in favour of the petitioner. The landlords themselves let out the premises at the rate of Rs. 2861/- per month. Thereafter, after five years he moved an application under the Act No. XIII of 1972 for enhancement of the rent. Section 2 (g) of the Act provides for exemption from operation of the Act. According to provision of Section.2 (g), any building, whose monthly rent exceeds two thousand rupees, shall not be

covered under this Act. Admittedly, in the present case, the rent was Rs. 2861/-. Therefore, the building was not covered under the Act and the application for enhancement of the rent under Section 21(8) of the Act was not competent to have been entertained. Therefore, the very initiation of proceeding under the Rent Act was without jurisdiction. Thus, the orders passed by the Courts below are without jurisdiction and are liable to be set aside.

The orders impugned passed by the courts below are hereby quashed. The writ petition is allowed. No order as to costs.

(P.C. Verma, J.)

07.6.2002

P.Singh